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| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---------------|----------------------|---------------------|------------------|
| 10/761,514  | 01/20/2004    | Stefan Wickert       | 10191/3452          | 4236             |
| 26646   | 7590          | 09/11/2007           | EXAMINER            |                  |
| KENYON & KENYON LLP<br>ONE BROADWAY<br>NEW YORK, NY 10004 |               |                      | SIEFKE, SAMUEL P    |                  |
| ART UNIT  | PAPER NUMBER  |                      |                     |                  |
|   | 1743          |                      |                     |                  |
| NOTIFICATION DATE   | DELIVERY MODE |                      |                     |                  |
| 09/11/2007  | ELECTRONIC    |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@kenyon.com

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|------------------------------|------------------------|---------------------|--|
|                              | 10/761,514             | WICKERT, STEFAN     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Samuel P. Siefke       | 1743                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 18 July 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 17-22 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-8,12,14 and 16 is/are rejected.  
7)  Claim(s) 9-11,13 and 15 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/30/07, 1/20/04.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Election/Restrictions***

Claims 17-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/18/07.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 12, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1024254 (herein after EP '254).

EP '254 discloses a method for controlling an exhaust subsequent treatment that comprises metering a quantity of at least one reagent into an exhaust line (paragraph 9), determining a steady-state value of the reagent to be metered based on an assumed steady-state operating state of atleast one of the catalytic converter and the combustion engine (para. 9-12), adjusting the steady-state reagent value using at least one dynamic correction factor for dynamic adjustment (para. 13). Regarding claim 2, the metering unit is of an SCR catalytic converter of an internal combustion engine (para. 2 and Applicant's specification page 1). Regarding claim 3, the reagent is a reduction agent

(para. 8). Regarding claim 4, the dynamic correction factor is determined as a function of at least one performance characteristic of the catalytic converter and of at least one performance characteristic of the combustion system (para. 13-15). Regarding claim 5, the exhaust gas temperature value downstream from the catalytic converter is used to adjust the steady state reagent value (para 19-20, and 24). Regarding claim 6, the dynamic correction factor is determined based on a steady state value for an exhaust gas temperature and a difference between the steady state exhaust gas temperature value and an exhaust gas temperature (para 24, 31-32). Regarding claim 7, the steady state regent vale is adjusted using a nitrogen oxide correction factor (para. 33). Regarding claim 8, paragraph 32 and 35 disclose determining the nitrogen oxide correction factor by comparing a nitrogen oxide emission value with a corresponding steady state value of a nitrogen oxide emission. Regarding claim 12, the steady state reagent valve is multiplied by the at least one correction factor (para. 33). Regarding claim 14, the steady state reagent value is adjusted using at a value for an operation period of the catalytic converter (para. 31-32).

#### ***Allowable Subject Matter***

Claims 9-11, 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

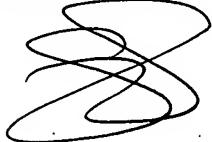
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel P. Siefke whose telephone number is 571-272-1262. The examiner can normally be reached on M-F 7:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 571-272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sam P. Siefke



September 4, 2007